

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's)	
Rules to Ensure Compatibility)	CC Docket No. 94-102
with Enhanced 911 Emergency)	
Calling Systems)	
)	

COMMENTS OF AT&T WIRELESS SERVICES, INC.

Pursuant to the Public Notice released July 12, 2001,^{1/} AT&T Wireless Services, Inc. ("AWS") hereby submits its comments in support of the petition for waiver of the Phase II E-911 rules filed by Corr Wireless Communications, L.L.C. ("Corr").^{2/} Corr has filed a waiver request demonstrating technology-related issues and special economic circumstances that satisfy the prerequisites for a waiver of the Commission's rules generally and the more detailed requirements for a waiver of the Phase II rules set forth in the Fourth MO&O.^{3/} Accordingly, Corr's petition should be granted.

DISCUSSION

Generally, the Commission's rules may be waived when there is good cause shown and when "special circumstances warrant a deviation from the general rule, and such a deviation will

^{1/} See Public Notice, WTB Seeks Comment on E911 Phase II Waiver Request Filed by Corr Wireless Communications, LLC, CC Docket No. 94-102 (rel. July 12, 2001).

^{2/} Corr Wireless Communications, L.L.C. Petition For Waiver, filed June 22, 2001 ("Corr Petition").

^{3/} Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442, ¶¶ 43-44 (rel. Sept. 8, 2000) ("Fourth MO&O").

serve the public interest.”^{4/} In the context of the Phase II E-911 rules, the Commission has recognized that there may be instances where “technology-related issues” or “exceptional circumstances” make it impossible for a wireless carrier to deploy Phase II by October 1, 2001, and individual waivers could be granted in these circumstances.^{5/} The Commission indicated that a request for such a waiver of the Phase II implementation rules should be “specific, focused and limited in scope, and with a clear path to full compliance.”^{6/}

Applying these standards, the Commission granted a Phase II waiver to VoiceStream Wireless. The Commission found that VoiceStream’s proposal could offer “significant public safety benefits” by immediately providing a level of accuracy and reliability greater than that provided under Phase I, while also ensuring the rapid initial deployment of ALI capability, with a relatively brief transition to even more precise levels of accuracy.^{7/} The Commission also found that VoiceStream had satisfied the “special circumstances” requirement because the Network Software Solution/Enhanced Observed Time Difference of Arrival (“NSS/E-OTD”) approach it proposed to use might be the only ALI solution available in the short term for carriers using GSM technology.^{8/}

Corr makes a compelling case for a waiver of the Phase II E911 rules. Specifically, Corr seeks a temporary waiver of the Phase II E911 rules that will allow Corr to deploy its network solution for its TDMA network on a slightly more gradual implementation schedule than the Commission’s rules require. Corr provides a detailed explanation of the special circumstances

^{4/} Fourth MO&O at ¶ 43 (citing Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

^{5/} Id. at ¶ 43.

^{6/} Id. at ¶ 44.

^{7/} Id. at ¶¶ 57-60.

that support its request for a graduated implementation schedule. As a small rural CMRS carrier, Corr anticipated using a handset-based location solution to minimize costs.^{9/} However, Corr was forced to change its plans when it learned that its Lucent Technologies TDMA-based network would not support a handset solution.^{10/} In addition, no other manufacturer has been able to suggest how a handset-based solution might make Phase II location possible on a TDMA network.^{11/} Corr therefore will have to use a very expensive network-based location solution. The cost to Corr for cell site equipment will be over \$2,750,000, plus an additional \$281,000.00 for modifications to the switch.^{12/} Corr also anticipates that there will be approximately \$45,000.00 in recurring monthly costs attributable to providing Phase II E911 service.^{13/}

According to Corr, it will cost \$1.5 million alone to serve the three counties that already have requested Phase II E911 service.^{14/} Based upon Corr's future revenue growth, it will not have sufficient revenue to pay for a network-based solution if Corr deploys it under the Commission's Phase II timelines.^{15/} If Corr is forced to raise its rates to recover the cost of implementing its network-based solution according to the Commission's timetables, it would likely lose its customers to carriers that can spread such costs over a larger subscriber base. As Corr explains, the public interest will not be served if the Commission's Phase II E911 rules are permitted to act as a barrier to competition in the CMRS marketplace.

8/ Id. at ¶ 56.

9/ Corr Petition at 3.

10/ Id.

11/ Id.

12/ Id. at 4.

13/ Id.

14/ Id.

15/ Id. at 4-5.

Finally, Corr provides a reasonable implementation schedule that will permit it to comply with the Commission's Phase II rules over time. Corr will concentrate its Phase II resources in those areas where 911 calls are made most frequently.^{16/} Corr will immediately order and install the switch-related infrastructure necessary to provide Phase II service.^{17/} Thereafter, Corr will provide Phase II service to the top 35 percent of the cell sites of any requesting jurisdiction within 9 months of receiving a request, and 50 percent and 75 percent of cell sites within 12 months and 18 months, respectively.^{18/} Given Corr's inability to deploy a handset-based Phase II solution, which would be more economical, and the fiscal constraints it operates under as a small rural carrier, Corr has demonstrated the special circumstances justifying grant of a waiver.

^{16/} Id. at 9.

^{17/} Id. at 8.

^{18/} Id.

CONCLUSION

Because Corr has demonstrated exceptional technological and economic circumstances that satisfy the requirements for a waiver of the Phase II E911 implementation rules, its request for a waiver should be granted.

Respectfully submitted,

AT&T WIRELESS SERVICES, INC.

Howard J. Symons
Michelle M. Mundt
Bryan T. Bookhard
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
701 Pennsylvania Avenue, NW - Suite 900
Washington, D.C. 20004
202/434-7300

Of Counsel

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/s/ Douglas I. Brandon
Douglas I. Brandon
Vice President - External Affairs
1150 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036
202/223-9222

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